Supreme Court, U.S.
FILED

05-479 AUG 4 - 2005

OFFICE OF THE CLERK

No. 045241

In The

Supreme Court of the United States

Emory Alvin Michau, Jr.,
Petitioner,
vs.
Ruth Jones
Respondent

On Petition For A Writ Of Certiorari To The United States Court Of Appeals District of Columbia

---

PETITION FOR A WRIT OF CERTIORARI

Emory Alvin Michau, Jr.
Detainee No. 552428
Chas. Co. Det. Ctr.; 3G
3841 Leeds Avenue
Charleston, SC 29405

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
JUL 30 2004
RECEIVED

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Emory Alvin Michau, Jr. USCA No. 04-5241

v.

FILED
AUG 04 2004
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Ruth Jones; et al USDC No. 04CV00655

ORIGINAL

MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS

I, Emory Alvin Michau, Jr, declare that am the ☒ appellant/petitioner ☐ appellee/respondent in the above-entitled proceeding. In support of this motion to proceed on appeal without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to prepay the costs of said proceeding or to give security therefore. My affidavit or sworn statement is attached.

I believe I am entitled to relief. The issues that I desire to present on appeal/review are as follows: (Provide a statement of the issues you will present to the court. You may continue on the other side of this sheet if necessary.)

Petitioner claims an entitlement to due process, equal protection of the laws and to petition the government for redress of grievances. Petitioner alleges these, and other rights are being violated by the acts of Ms. Ruth Jones who continually removes his submissions to the Court from the Court's possession by failing to act upon them in accordance with the rules of that court, or to act at all (Over)

Note: Information which was entered on back of this document was not returned to petitioner.

Signature _____

Name of Pro Se Litigant (PRINT) Emory Alvin Michau, Jr

Address 552428; Chas. Co. Det. Ctr, Seg 1

3841 Leeds Avenue, Charleston, S. C. 29405

Submit original with a certificate of service to:

Clerk, U. S. Court of Appeals
For the D. C. Circuit
Rm. 5423, E. Barrett Prettyman U. S. Courthouse
Washington, DC 20001

3841 LEEDS AVENUE

FILED

Submit original with a certific

AUG 26 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Leave to file without
Prepayment of Cost GRANTED

Judge C Kollar-Kotelly

8/19/04

QUESTIONS PRESENTED

1. Is each and every employee of the United States Supreme Court in the unique position of being unreachable by a Writ of Mandamus to perform their administrative duties?

2. Where malfeasance and unlawful acts and omissions of a gatekeeper employee of this Federal Court repeatedly prevents the filing of petitions privileged by the First Amendment, what recourse does a prisoner have to present for correction the fact of that unlawful conduct to an officer of the court, where the employee personally intercepts all correspondence even when addressed 'personal" to a court official and posted by registered mail?

3. Was the court of Appeals of the District of Columbia correct in affirming the United States District Court, where it found all low level employees of this Court beyond the reach of a Writ of Mandamus to perform administrative duties, even where all attempts to administratively cure the malfeasance have been surreptuously blocked by that employee?

4. Where low level employees are granted the power to act in the stead of the Clerk of this Court, do conflict of interest policies prevent or allow them the privilege to solely respond to complaints submitted against them?

5. Is a properly constituted and timely filed petition entitled to filing herein?

LIST OF PARTIES

The parties to the proceedings below are the Petitioner, Emory Alvin Michau, Jr, and Respondent, Ruth Jones. All parties appear in the caption of the case on the cover page.

RULE 29.6 STATEMENT

Petitioner is a natural person and not a corporation.

RELATED CASES

Petitioner is unaware of any related cases before the Supreme Court.

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APPENDIX E	The Record on Appeal as filed in the Court of Appeals
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TABLE OF CITED AUTHORITIES

Cases Page

Botntrager v Stevas, 772 F2d 419 (8th Cir.) cert. denied 474 U.S. 1008 (1985) 11, 12, 13

Marin v Suter, 956 F2d 339 (D.C. Cir. 1942)..... 11, 13

Panko v Rodak, 606 F2d 168 (7th Cir. 1978) cert. Denied, 444 U.S 1081 (1980)..... 11, 13

PETITION FOR WRIT OF CERTIORARI

Petitioner-Plaintiff Emory Alvin Michau, Jr., respectfully petitions for a Writ of Certiorari to review the judgment in opinions below.

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States District Court appears at Appendix B to the petition and is unpublished.

The order denying a timely petition for rehearing appears at Appendix C to the petition and is unpublished.

The order denying a timely petition for rehearing in banc appears at Appendix D to the petition and is unpublished.

STATEMENT OF JURISDITION

The date the United States Court of Appeals decided this case was February 9, 2005.

A timely petition for rehearing was denied by the United States Court of Appeals on June 16, 2005 and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1).

STATUTES AND REGULATIONS INVOLVED

Statutes and Regulations

28 U.S.C. § 1746

Supreme Court Rule 14

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTION OF THE UNITED STATES

Amendment I: Lack of access to a United States Constitution prevents textual expoundment.

Amendment V: No person shall...be deprived of life, liberty, or property, without due process of law...

Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...

Amendment XIV: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor to deny any person within its jurisdiction the equal protection of the laws.

Article III § 2: The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority;...In all other cases mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.

STATEMENT OF THE CASE

On August 6, 2003, the South Carolina Supreme Court denied a petition for rehearing on direct appeal from a two count criminal conviction. At that time, petitioner was preparing other legal documents and was unable to immediately prepare a petition for Writ of Certiorari to this court.

Seen after he began preparing it, however, he was suddenly place in 'protective custody' and his legal work and law library notes seized. To preclude default, of the ninety day limitation period of Rule 13, petitioner borrowed a one-inch golf pencil, some legal pad sheets and a couple of envelopes while out of solitary eating a meal. Petitioner prepared the rambling letter which appears at Appendix e-18, e-19, E-120 and e-21, which he declared truthful per 28 U.S.C. § 1746. Enclosed was a Motion for Enlargement of time to petition for certiorari, see Appendix e-35 (under the original September 22 date and signature). An In Forma Pauperis Motion and affidavit were completed and enclosed. These documents were also served on respondent, see Certificate of Service at Appendix e37.

As noted in the letter, a second matter was also submitted. That matter consisted of a one page Petition for writ of Habeas Corpus in the court's original jurisdiction, (see Appendix e-36.) The letter was replete with notations that two matters were being submitted.

Ms. Jones in her letter dated October 8, 2003, failed to acknowledge the Motion for Enlargement, choosing, instead. To call the collective submission a petition returned per Rule 14, (see Appendix e-22).

To attempt to correct her 'error', (see history of malfeasance), petitioner did respond to the Court on October 15, 2003 with two separate mailings. As this

detention center has refused to make legal copies for service of process, or to make verifiable mailings, petitioner persuaded one detention center sergeant to allow petitioner's mother to pick-up, copy and mail his legal filings. For speed, however, the direct appeal matter was sent by taping three (3) embossed 1st class envelopes together.

The letter at Appendix e-25 and e-26 was sent covering a complete copy of all of the materials sent to the Court on September 22, 2003 in the matter of the direct appeal. Enclosed was a Motion for Enlargement of time, re-executed on October 15, 2003, (see Appendix e-35, a copy of the Informa Pauperis Motion and Affidavit-Declaration; and a copy of the South Carolina Supreme Court decision and denial of the Petition for Rehearing. The cover letter, (Appendix e- 25 and the In Forma Pauperis Motion, Appendix e37 were the only documents receiving a date stamp, However, no new letter was sent covering the returned documents; the October 8, 2003 letter was the window addressee for mail purposes.

The letter at Appendix e-23 and e-24 was also sent on October 15, 2003 covering a complete copy of the materials originally sent on September 22, 2003 in the matter of the Petition for Writ of Certiorari in the Supreme Court's original jurisdiction. It was sent via Registered Mail marked Personal to the Honorable William K. Suter, Clerk of Court, the other letter had also been so marked. The green postal receipt card was never returned, but the cover letter of petitioner, Appendix 23, did receive a date stamp; but only it did.

In the same manner described above, i.e., using the October 8 letter as the window addressee, the documents were returned to the petitioner.

Because of the admonition of Ms. Ruth Jones in her October 8 letter that "no change to the substance of the "petition" may be made." Petitioner

immediately sent out the partially completed petition he was composing along with all evidentiary Appendices. These were copied by his mother and sent to the Court on November 04, 2003. At the same time, a complete copy was served (as all previous documents}on respondents. Also at the same moment, petitioner's retained copy was returned to him by mail. The machine generated postage for the "Media Mail" posting to petitioner is presented into evidence at Appendix G-1, item 2, in a sworn declaration.

The mailing to the court at that very moment consisted of a petition, complete in every way but for the **"REASON FOR GRANTING THE PETITION"** section. Appendix F contained one-hundred and sixty eight (168) documents. This mailing was sent by Registered Mail addressed "Personal" to Justice Rehnquist (sic) at the address of the Supreme Court. Because Justice Rehnquist is [was] the assigned Justice for the Fourth Circuit Court of Appeals, he was the proper Justice to decide the newly composed Motion for Extension of Time to Petition for Certiorari; see Appendix e-48, the extraordinary circumstances were there-in expounded. The cover letter to the Chief Justice appears at Appendix e-27 and e-28. No acknowledgement of receipt has ever been returned from the Court, neither did the green postal receipt card ever return. As this registered Mail was also Priority Mail, two registries of delivery should exist. Attempts to obtain the information from the sending zip code postmaster, see Appendix e-38, and the receiving zip code postmaster, see Appendix e-39, were unsuccessful; no response was received from either request.

After completion of the "**REASONS...**" section, a complete copy of the petition with the addition of copies of South Carolina Statutes, etc. numbered F-170 through F-178 was sent to the Court and served on respondents. .That submission was allowed to be picked-up by petitioner's mother after 10 days of negotiation (no legal papers may now utilize this procedure.) On December 27, 2003, she posted by Registered Priority Mail, again to the

Chief Justice. Respondents were also served by Priority Mail. Although the green postal receipt card was again retained by Court employees, the delivery was recorded as having occurred at 7:26 a.m. on January 05, 2004 under control number 7003 1010 0002 9896 1809. No acknowledgement of receipt has ever been issued from the court.

A petition for Writ of Mandamus directed at Ms. Ruth Jones was sent by certified mail to the United States District Court, District of Columbia at the only address petitioner had, that of this (Supreme) Court. That petition was delivered by the post office on February 18, 2004 under control number 7003 2260 0006 5740 9812 to this Courts address, but has never received acknowledgement or response from any Federal Court.

Another petition for Writ of Mandamus was composed and sent to the correct address of the District of Columbia on March 04, 2004. That court denied the petition on April 15, 2004, and a timely appeal was filed; that appeal was denied on February 9, 2005; and the Petition for Rehearing and Rehearing En Banc was denied on June 16, 2005. The Petition for Writ of Certiorari follows.

Extra-judicial attempts to correct Ms. Ruth Jones unlawful and unconstitutional behavior have been made. Letters were sent to two South Carolina Representatives, one actually responded. See response letter at Appendix (e-40). Senator Hollings never responded, and neither did Senator Lindsey Graham. See Appendix e-41, 42 and 43; See also e-44, 45, 46, and 47. Many others were sent, including a set of documents, letter, etc..., to the New York Times.

Even though petitioner's history with Ms. Ruth Jones, beginning in October, 2000, made him aware of the impossibility of getting mail complaining about Ms. Ruth Jones to any official, petitioner decided to try a clandestine approach. On May 22, 2004 the letter at

Appendix e-30, 31, 32, and 33 was composed. To avoid interception by Ms. Ruth Jones, the letter was posted using petitioner's sister's married name, and her return address. It was mailed again by Registered Mail 'personal' to the Honorable William K. Suter. The green receipt card did return this time, but the response from Ms. Ruth Jones located at Appendix e-34 was all that ever came of it; note the obfuscation on the date.

Previous malfeasance by Ms. Ruth Jones is documented in the Appendices and materials. Notably, a certified priority mail filing of an extra-ordinary Writ of Certiorari petition affecting two related cases Ms. Ruth Jones claimed that mail had not been received by the Court, it was mailed on March 31, 2003 and delivered to the Court on April 08, 2003 under control number 7099 3400 0008 7311 3722. That green postal receipt card was never returned, and no acknowledgement of receipt or otherwise has been received from the court. Attempts to file an extraordinary Writ of Mandamus directed at Ms. Ruth Jones, previously, in the Fourth Circuit appeal which was also, by 'error' of Ms. Ruth Jones, never docketed, never were put before the court, simply mailed back with no cover letter. The Fourth Circuit docket number of that case is 99-7518, see Appendices e-50, e-51.

Also included in exhibit, (see Appendices F-1, F-2 and F-3), is the response received from Ms. Ruth Jones when she returned to petitioner the copy of this appeal, as directed by the Court of Appeals for the District of Columbia, when it was served upon her. The envelope was addressed 'personal' to Ms. Ruth Jones, and as can be seen on Appendix F-3, the letter 'cc'ed to Ms. Ruth Jones. That personal copy of hers contained all of the Appendix E materials, and included the Certificate of Service at Appendix E-52.

REASONS FOR GRANTING THE PETITON

Integrity of process: *The 2003 Guide prepared by the Office of the Clerk* for indigent states that the "Court grants and hears argument in only about one percent (1%) of the cases that are filed each term." In other words, justice in this great country of ours is similar to a lottery. Lotteries have become quite popular in the last quarter century. What would this percentage be, if all of the 'monkey business' were factored out (or in)? People trust these new (relatively) lotteries because the statistically mandated, crooked ones have yet to be exposed and trumpeted by the media.

A dishonest game is a reprehensible thing. Those of us with honor, who value integrity, teach the young ones to play "monopoly" fairly; no sneaking money from the bank, no under the table side deals; follow the rules. Why? For integrity. It takes little explanation, as analogies go, for the young-ones to transfer this lesson to 'real life'.

Just because this Court is exposed to such a great volume of chicanery from state courts which are little more than hackneyed political clubs is no reason for it to allow its own integrity to be sullied by the pragmatic realists:

Integrity, it's either important or it's not.

The decision of the District of Columbia Court of Appeals in the instant case is in conflict with the prime case it cites for authority, its own case *Marin v Suter*, 956 F2d 339 (D.C. Cir 1992), and, therefore, with the two circuits whose cases are cited for guidance therein: *Borntrager v Stevas*, 772 F2d 419 (8th Cir.), cert. denied, 474 U.S. 1008 (1985) and *Panko v Redak*, 606 F2d 168 (7th) Cir.1979), cert. denied, 444 U.S. 1081 (1980). D.C.C.O.A. characterizations were the only available text.

Specifically, the author of the D.C. Court of

Appeals' decision under appeal does inaccurately paraphrase *Marin v Suter*, as holding that "the lower courts have no supervisory authority or mandamus jurisdiction over Supreme Court **Clerks**." February 9 Order, No 04-5241 [Emphasis added].

Mario v Suter, as the title implies, was not a case directed at one of the clerks or employees of this Court. It was a case directed at the officer of the Court. It was a case where a decision was questioned, not a case where the case(s) was never docketed, and therefore a decision never rendered.

An examination of *Marin v Suter*, reveals that its author never uses the term clerk, therein, without it being capitalized as a proper noun with definite article or definite adjectives. All nine times the term appears, it appears as a proper noun. Those nine uses include the uses in *Borntrager and Stevas*,. The case, itself, is simply not on point.

While it can certainly be said that an employee of the Honorable Clerk of this Court may at time be clothed in his title and authority, it cannot be said that this is always true. Mr. Suter may delegate to his employees only those options to act or fail to act which this Court bestows upon him. An employee of his may not opt to act unconstitutionally on his or her own initiative and be cloaked by the authority and mandate of the Office of Clerk. An employee may not, for money, fraternity, or other causes, decide to intercept and destroy (?) a person's submitted legal documents so that they are never docketed and never receive a decision by the court.

Where rogue acts of a federal employee deny a citizen that to which he has a right, a right to which he has no other means to enforce, mandamus will issue. Where all attempts to make that employee's unlawful acts known to her supervisor have been thwarted by that employee's interception of the correspondence, where else could a citizen go to cause the enforcement of his right but to the district court? *Borntager Supra*, the 8th Circuit Case,

"affirmed the district court's denial of mandamus, against Clerk on the ground that a petitioner could seek relief from the Court itself." Id. Nearly five years of history between the petitioner and respondent prove that to be impossible to accomplish in this case. The Court cannot exercise its "inherent supervisory authority", Id., when it cannot be reached by complaints or Petitions for Extraordinary Writs.

As can be seen from the many instances noted in the statement of the case and the documents in the Appendices, an 'in Re:', Extraordinary-Writ-Petition was first submitted in May, 2001, when it was returned in full with no new cover letter'. A mandamus was then sought in this Court and submitted covering a complete copy of all previous documents; it simply disappeared. Multiple attempts to communicate with various Officers of the Court drew no response. September 11, 2001 occurred. The Court Administrator became the Marshal of the Court by appointment. Mr. Christopher Vasil, who was substituting in the Administrator's Office, suggested resubmission of the Petition according to his directions. It was done.

Ms. Ruth Jones claims, after many letters to the Officers of the Clerk's Office that 'that mailing was never received'. These documents were meticulously recreated and resubmitted. The Post Office shows that the March 31, 2003 certified priority mail was delivered on April 08, 2003, but the respondent, who alone is assigned to handle petitioner's filings, has never filed them in the court or in any way responded to them. Every attempt to communicate with her superiors is intercepted by the defendant, herself. The reasoning of the 8th Circuit in,
Borntrager, then, simply does not apply.

Marin, Supra also states that the Seventh (7th) Circuit concluded that, there, the "[p]etitioner had not clearly established a right to have his papers filed." Id. As petitioner has here argued a First amendment right to petition the government for redress of grievances, the district court would have had to have countered that argument for the reasoning of that case to be applicable here.

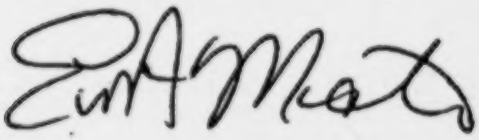
It would, therefore, appear that none of the prime or secondary authorities would support the decision of the District of Columbia Courts. With no Ombudsman or similar Complaint Office, how could this Court know how widespread the practices such as those herein complained are. The lower federal courts should not fear doing their duty just because a culprit is an employee of the Court. They should not be forced in "The Emperor has No Clothes" fashion to pretend the law is not the law. Mandate should be available to command any federal employee to do her duty.

The District of Columbia's Court of Appeals' holding is, itself. such a departure from common and case law jurisprudence as to the availability, reach, and purpose of mandamus as to be dangerous to Constitutional Democracy, especially in this post-Nine-Eleven world into which we have been thrust.

CONCLUSION

The petition for a Writ of Certiorari should be granted. All statements are avowed to under 28 U.S.C. § 1746 under penalty of perjury.

Respectfully Submitted,



Emory Alvin Michau, Jr.
Detainee 552428
Chas. Co. Detention Ctr.
3841 Leeds Ave.
Charleston SC 29405

August 25 2005

No. 045241

In The

Supreme Court of the United States

Emory Alvin Michau, Jr.,
Petitioner,
vs
Ruth Jones
Respondent

On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
District of Columbia

APPENDICES

FOR

PETITION FOR A WRIT OF CERTIORARI

Emory Alvin Michau, Jr
Detainee No. 552428
Chas. Co. Det. Ctr., 3G
3841 Leeds Avenue
Charleston, SC 29405

No. _____

In The

Supreme Court of the United States

Emory Alvin Michau, Jr.,
Petitioner,
vs.
Ruth Jones
Respondent

MOTION FOR LEAVE TO SUBMIT DOCUMENTS PER RULE 33.2

The petitioner, appearing pro se while a prisoner, with limited funds, but sufficient to pay the 284 USC §1911 fees pursuant to Rule 38, does hereby Motion the Court for leave to submit his petition for Writ of Certiorari and related documents on 8 ½ by 11 inch paper pursuant to Supreme Court Rule 33.2. As exigent circumstance, Petitioner does cite his inability to hire an attorney or to arrange for the preparation of the documents per Rule 33.1 or to afford the additional monetary outlay. Petitioner, proceeded In forma Paupers, previously in this case and others, but acquired limited funds in the interim.

Petitioner does declare the truth and correctness of this motion per 28 USC § 1746.
Executed on July 4, 2005

Emory Alvin Michau, Jr
Detainee No. 552428
Chas. Co. Detention Ctr.
Charleston, SC 29405

United States Court of Appeals

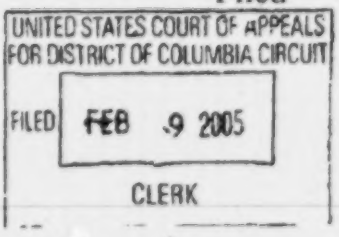
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-5241 September Term, 2004

04cv00655

Emory Alvin Michau,
On:
Appellant

v.



Ruth Jones, Employee, Office of the Clerk, United States Supreme Court, et al.,
Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Ginsburg, Chief Judge, and Edwards and Garland, Circuit Judges

JUDGEMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34 (a)(2); D.C. Cir. Rule 34(j). It is

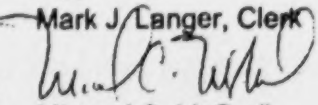
ORDERED AND ADJUDGED that the district court's order filed April 23, 2004 be affirmed, as the lower courts have no supervisory authority or mandamus jurisdiction over Supreme Court *clerks.* See, e.g., Marin v. Suter, 956 F.2d 339, 340 (D.C. Cir. 1980) (per curiam).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: 
Michael C. McGrail
Deputy Clerk

B-1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
APR 2 3 2004
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Emory Alvin Michau, Jr.	)	
Plaintiff	)	
v.	)	Civil Action No. 04 0655
Ruth Jones, et al.,	)	
Defendants	)	

MEMORANDUM

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3) (requiring the Court to dismiss an action "whenever it appears. . . that the court lacks jurisdiction of the subject matter).

Plaintiff is a prisoner incarcerated in Charleston, South Carolina. He sues employees of the Clerk's Office of the United States Supreme Court for alleged acts they performed in their official capacities. This Court lacks subject matter jurisdiction to review any decision of the Supreme Court or its Clerk. Marin v. Suter, 956 F.2d 339 (1992). "[I]t seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action." *Panko v. Rodak*, 606 F.2d 168, 171 n. 6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980). A separate Order of dismissal accompanies this Memorandum.

United States District Judge

Date April 15, 2004

B-2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 2 3 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Emory Alvin Michau, Jr.	)	
Plaintiff	)	
v.	)	Civil Action No.
Ruth Jones, et al.,	)	
Defendants	)	04 0655

ORDER

For the reasons stated in the accompanying Memorandum, it is this 15TH day of April 2004,

ORDERED that the application to proceed in forma pauperis [# 2] is **GRANTED**; and it is

FURTHER ORDERED that this case is **DISMISSED** with prejudice for lack of subject matter jurisdiction. This is a final appealable Order

United States District Judge

C-1

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-5241 September Term, 2004

04cv00655

Emory Alvin Michau,

Appellant

v.

Filed On:

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
FILED JUN 16 2005
CLERK

Ruth Jones, Employee, Office of the Clerk, United States Supreme Court, et al.,

Appellees

BEFORE: Ginsburg, Chief Judge, and Edwards and Garland, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing filed March 14, 2005, it is **ORDERED** that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: Michael C. McGrail
Deputy Clerk

D-1

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-5241 September Term, 2004

04cv00655

Emory Alvin Michau, Filed on:
Appellant

UNITED STATES COURT OF A...
FOR DISTRICT OF COLUMBIA C...
FILED JUN 16 2005
CLERK

v.

Ruth Jones, Employee, Office of the Clerk, United States Supreme Court, et al.,
Appellees

BEFORE: Ginsburg, Chief Judge, and Edwards, Sentelle, Henderson, Randolph, Rogers, Tatel, Garland, and Roberts, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: Michael C. McGrail
Deputy Clerk

U.S. COURT OF APPEALS FOR DISTRICT OF COLUMBIA CIRCUIT
NOV 15 2004
RECEIVED

E-1

No. 045241

In The

United States Court of Appeals

For the District of Columbia Circuit

Emory Alvin Michau, Jr.,
Appellant,
vs.
Ruth Jones
Office of the Clerk
United States Supreme Court; et as.
Appellees

September Term
04CV00655

Appellant's Brief with Appendix

Appellant does again inform the Court that he does not have access to the DC Circuit Appellate Rules, and as such is unknowledgeable of the procedure to comply with them. Appellant also does again notify the Court that he has no access to any Law Library or legal materials due to his unconstitutional detention.

Ms. Ruth Jones, an employee of the Office of the Clerk of the Supreme Court of the United States, has continuously and repeatedly thwarted appellant's every attempted exercise of his constitutional right of access to that Court for the review of final decisions of the highest court of the state of South Carolina, for review of decisions of the Fourth Circuit, United States Court of Appeals, and to petition the Court in its original jurisdiction for a Writ of Habeas Corpus.

"The Fifth Amendment to the Constitution guarantees that no one will be deprived of liberty without 'due process of law,'" *U.S. v Gaudin*, 515 U,S, 506 ll5S. ct 2310, 2313 (1994). "A citizen has a [First Amendment] right to petition the Federal Government for redress of grievances." *Federal Maritime Commn'. v South Carolina*, -U.S.- 1225 ct. 1864, 1865 (2002) (citing *West Virginia v U.S., 479 U.S.305, 311, 107 S. ct. 702 (1987) and U.S. v Cruck Shank*, 92 U.S. 542, 552-553, 23 LED 2d (l876)). "Congress has prescribed a primary route by appeal as of right and certiorari, through which parties may seek relief from the legal consequences of judicial judgments," *U.S. Bank Corp. Mortg. Co. v Bonner Matt Partnership*, 513 U.S.-18, 26 115 S. ct. 386, 392 (1995).

Beginning in September 2000, Ms. Ruth Jones has blatantly misidentified, mischaracterized and mishandled Appellant's filings in the United States Supreme Court causing the loss of Constitutional Review on direct appeal as a right and of other cases. Most recently, Ms. Jones with specific intent to prevent review by the Court, did fail to file and docket a timely filed direct appeal as of right from a decision of the South Carolina Supreme Court. Appellant submitted the one page "Motion for Enlargement of Time to submit Application for Writ of Certiorari for Direct Review of State Supreme Court, See Appendix A-18. Mrs. Ruth Jones claimed the sheet was a "petition for 'Writ of Certiorari', postmarked October 2, 2003..." [Which] fails to comply with the content requirements of Rule 14," stating that "No change to the substance of the 'petition' may be made." See Appendix A-5.

Appellant's letter, accompanying the motion and provided to this Court at Appendix A-1 through A-4, explained the reasons that an extension of time was required. See pages 3 and 4 of that letter at Appendix A-3 and A-4. An official In Forma Pauperis Motion with attached affidavit was enclosed with the letter as well.

Ms Ruth Jones failed to even acknowledge the other matter enclosed to the Court in what was appellants' only envelope, The petition for Writ of Habeas Corpus which is provided at Appendix 19. She returned the whole filing, with only the letter stamped received. See Appendix A-1.

Appellant's situation improved temporarily and he was able to have copies made of the letter and the documented. He resubmitted both matters individually with a new cover letter for both matters, providing copies of all the original correspondence and filings with In Forma Paupers Motion and affidavits. The letter covering the resubmitted Petition for Writ of Habeas Corpus is provided to the Court at Appendix A-19. Also, this mailing was sent by registered United States Mail, restricted delivery, addressed to William K. Suter, Clerk of Court. The cover letter is provided to the Court at Appendix A-6 and A-7. The green return receipt post card, property of appellant, was never returned.

A second letter, including a copy of the letter of Ms. Jones of October 8, 2003 was also posted at the same time by regular U.S. Mail, addressed "personal" to William K Suter, Clerk of Court. That letter is provided to this Court at Appendix A-8 and A-9. That letter was

accompanied by a Motion for Enlargement of Time (previously submitted), a copy of the In Forma Pauperis Motion, and Affidavit, and a Certificate of Service which had previously been provided, see Appendix A-20.

The Habeas Corpus letter was stamped 'Received' by the Clerk's office on October 28, see Appendix A-6. and the Motion for in Forma Pauperis was not stamped nor was the Habeas Petition. No new letter was returned, as the October 8, 2003 letter appeared in the window for its address.

The Motion for Enlargement of Time... Letter was stamped 'received" by the clerk's office on October 27, 2003. Also the In Forma Pauperis Motion was likewise stamped "Received'. See Appendix A-32. The enlargement motion was not stamped, nor was the certificate of Service. No new letter was returned: again the October 8, 2003 letter provided the address for the window on the envelope.

No further correspondence from the Court has been received on either of these two matters, despite the fact that appellant sent a thirty (30) page Petition for Writ of Certiorari with Appendices totaling 196 pages to the Court on Nov 04, 2003. That filing was timely, occurring within the ninety day time allowed for a Petition for Certiorari on direct appeal as of right. That petition with appendices was accompanied by the letter provided to this Court at Appendix A-10 and A-11. that letter explained again fully the problem with the clerk's office. A new "Motion for Extension of Time to Petition for Certiorari" was enclosed to the Fourth Circuit Justice, Justice Rehnquist citing extraordinary circumstances. See appendix A-31. A copy of all of the original filed documents and letters was also

enclosed, and respondents were served everything by priority mail. The letter, Petition. Appendices, etc, listed above were mailed by registered U.S. Mail, restricted delivery priority mail addressed to Justice Rehnquist The green post-card delivery receipt was never returned by the Clerk's office, and the control number has been misplaced. See Appendix A-21 and A-22 which are letters which were never responded to, sent to the postmaster of sending and receiving post offices.

Because he was being deprived of his legal notes petitioner (appellant) could not complete this section "Reasons to Grant Certiorari" in the November 04, 2003 Petition. Within the sixty day extension period guaranteed a timely applicant for extension of time by the rules of that Court, appellant did complete that missing section and posted it with a copy of the remaining portions of the petition . Also attached, appellant included an additional ten pages of Appendices. The letter at appendix A-12 covered the filing which was delivered to a detention center officer for mailing on December 17, 2003. As this detention center refuses to provide copies, appellant's Mother again picked up the filings, copied and mailed them on December 27, 2003. The mailing was sent by Registered, Priority Mail restricted delivery to Justice Rehnquist. The control number issued by the post office to verify delivery at their internet site is 7003-1010-0002-9896-1809. That sight shows delivery was made at 7:26 am on January 05 2004. The green postal receipt card was not returned by the clerk's office, and no acknowledgement of receipt has ever been made by them.

An attempt was made to petition for mandamus in the United States District Court, District of Columbia. Inadvertently applicant's mother named that

Court but used the street address of the Supreme Court The green card was returned stating receipt occurred on February 18, 2004. The delivery code number is 7003 2260-0006-5740-9812. No response has ever been received to that petition. Remarkably, the copy that appellant's mother mailed to him has never been delivered to him by the detention center that routinely holds such mail for weeks before delivering it.

Appellant wrote a letter 'personal' to William K. Suter, Clerk of Court o M<ay 22, 2004, which is provided to this Court at Appendix A-13 through A-16. In that letter Appellant again recounted the specific details of the malfeasance and misconduct of Ms. Ruth Jones (et al..?). To attempt to bypass Ms. Jones, Appellant had his sister, Ms Gayle Balasa, send the mail with her name and address on the return address and the green return receipt card. This would explain return of one green postal receipt card. That letter, however, was responded to by Ms. Ruth Jones, herself. An examination of her response, at Appendix A-17, wherein she notably obfuscated the date of its composition (conveniently August 8, 2003, again), shows that it does not, in any way respond to the subject matter of the letter.

Appellant has tried many routes to try to expose and correct the unlawful activities of Ms. Jones. It is difficult considering her unfettered access and control of any mail arriving at the Court Clerk's Office from appellant.

Appellant communicated the problems to his Congressman, Representative Clyburn. The long letter to him is available to be re-inked from its carbon; his response is provided to be provided to this court at Appendix A-23.

Appellant countered his "prohibited from interfering with court cases" argument with the argument that it would not be case interference to report malfeasance in the clerk's office. Also the argument was advanced that this activity was part and parcel of the checks and balances designed in our governmental system.

Letter to Congressman John Spratt which remains unresponded to is at Appendix A-27 through A-30; one to Senator Lindsey Graham which remains unresponded to is at Appendix A24 through A26. Senators Thurmond and Hollings also failed to respond.

Appellant has only limited amounts of his legal files in his possession at the detention center, some dates are months only. With exception of the petition-proper that Appendix A-33 is the cover letter for, Appellant's legal files are at present unavailable for reference short of an order by the court to mandate his being permitted access. The title sheet of that petition for extraordinary Writ is provided at Appendix A-34, and appellant can re-ink the twenty- one (21) pages to provide the Court a copy if necessary.

As can be seen from the letter, it was addressed 'personal' to Mr. Vasil, who had since being promoted to chief Deputy Clerk, on March 31, 2002. This large package was sent Registered Priority Mail; the postal delivery verification number is 7099 3400 0008 7311 3722. The Post Office internet site verifies delivery on April 08, 2002. The clerk's office never returned the green card delivery receipt, and has never acknowledged receipt or otherwise processed the petition. The mailing which the March 31, 2003 mailing replaced had been mailed on May 8 (12), 2002.

Following is a brief summary of the activities of Ms Ruth Jones as related to the two cases which are involved with the filing she claimed to have not received.

In February, 1996 appellant filed two separate 42 U.S.C. § 1983 actions complaining fraud had been used to obtain a finding of probable cause on applications for search and arrest warrants.

In or about October, 1999, respondents were able to obtain Summary Dismissal by fraudulently claiming that no transcript existed of the interview quoted for probable cause. That claim, and the allegations stated for probable cause were **absolute lies.**

On February 8, 2000, after appeal had been initiated in the joined §1983 action, the defendant common to both cases, the one who had created the lie for probable cause, again manufactured charges of a crime, where non had occurred, and had appellant arrested by his subordinate and jailed under one-quarter million dollars bail. That amount was never reduced during one full year of detention. Appeal bond was denied, causing the six-year sentence to be served prior to the hearing of the appeal. Appellant has been held now for nineteen months after without Fourth Amendment probable cause.

In April, 2000, the Fourth Circuit, United States Court o0f Appeals denied a hearing on the appeal, and appellant did petition for Rehearing and Rehearing In Banc, explaining that he was being denied law library access. At that time appellant also filed a judicial complaint on the presiding Federal District Judge, to air the claim by the defendant common to both cases that he had had Ex Pârté discussions with the judge prior to his

decision to dismiss the joined cases. That complaint was administratively dismissed because appellant was unable to provide proof of the allegation and failure to claim ' no inquiry was ever made'.

On July 10, 2000, without comment, the Fourth Circuit denied the petition for re-hearing. Applicant then sent letters to many law schools in an attempt to procure pro bono representation for an appeal to the United States Supreme Court. Local lawyers don't accept collect calls from the jail; only collect calls are possible.

On September 28, 2000, appellant filed a pro se motion in the Supreme Court for the appeal to be heard on the pleadings, or in the alternative, for counsel to be appointed. Appellant cited his detention without access to a law library, his being prohibited access to any book but the Bible (or Koran), and his being prevented from receiving a copy of his pleadings in the lower courts from which to prepare an appeal, as good cause shown.

On October 04, 2000, Ms Ruth Jones 'misreads' the pleading above described and finds that the Fourth Circuit's initial denial of the appeal in April was actually the petition for rehearing denial. Therefore, she claimed the ninety day statutory period in which to petition the Court for Certiorari had expired. She returned all of documents, but did not enclose blank forms or a rule book.

Upon receipt of the mail, appellant immediately responded to Ms. Jones to correct her 'mistake'. She again returned the documents, tersely stating it was for 'the same reason she had named in her

October 04 letter'. Again she provided no blank forms nor a copy of the Rules of the Supreme Court.

By persistent effort, appellant's mother was able to obtain a copy of the July 10, 2000 denial of the Petition for Re-hearing, which appellant then submitted to Ms. Ruth Jones in January, 2001,

In February, 2001, Ms. Ruth Jones responded, conceding a portion of her error, but ignoring the rest. She again returned all of the documents, but enclosed no forms or rule book.

After a two hour 'trial', and on February 14, 2001, appellant was committed to S.C.D.C. for a six year sentence. He was altogether denied appellate bond, and 'maxed out' the sentence on April 13, 2003. Upon gaining access to a law library in March, 2001, he submitted a petition for a Writ of Certiorari with a claim that the clerk's error was not his responsibility and that by law the clock stopped upon the original filing. Because the Court retained jurisdiction, it could decide the case on any pleadings it desired.

In May, 2001, Ms. Ruth Jones again returns all of the documents. In her letter, she concedes the remainder of her errors, but claims the clock has expired, anyway. In response, appellant again returned all of the documents and included a petition for Writ of Mandamus directed at the clerk, ordering that the case be resubmitted to the Court to let it decide the timeliness issue.

On June 25, 2001, appellant received a manila envelope from the Court. Someone (Ms. Ruth Jones?) had simply placed the documents in a fresh

envelope with the May letter's address appearing in the window. No 'received' stamp was used. Appellant, while retaining the original documents, began his quest to complain the mishandling of the petition.

Appellants three (3) letters on inquiry sent to the clerk's office before September 11, 2001 were never answered. One of two letters to Ms. Pam Talkin, Court Administrator sent after that date did receive a response the next year, by Mr. Christopher Vasil who explained that Ms. Talkin had been appointed as Marshal to the Court, and he was subbing for her, Ms. Ruth Jones had grossly misinformed him of the chronology and facts of the case.

Appellant immediately responded to Mr. Vasil with the documentary proof of those details. In a letter of April, 2002, Mr. Vasil suggested that a new petition for (extraordinary?) Writ of Certiorari be submitted along with all the original documents. Appellant had filed a notice of appeal in the criminal matter which parallels this 42 U.S.C. § 1983 action, appellant was twice mailed forms mailed forms and a Rule Book for that case. Both cases were sent back to the Court with the one copy of the transcript, but separate pleading. S.C.D.C. copies were hard to get. That mailing's Houston v Lack date was May 8, 2002, although S.C.D.C. actually mailed it on May 12, 2002.

Repeated letters of inquiry to the Clerk's office were never responded to. However, a letter, 'personal' to Mr. Vasil, who had since been appointed Chief Deputy Clerk, sent in December, 2002, did garner a response,...from Ms. Ruth Jones.

Ms. Ruth Jones letter, dated in late January, stated that the May 8 (12), 2002 mailing had never been received by the Court.

Appellant with much expense and difficulty, reconstructed the pleadings from copies and submitted the two cases in two separate manila envelopes, contained within a larger envelope, as attachments to a new petition for an extraordinary writ. See cover sheet for that writ at Appendix A-34. That petition consists of twenty-one pages and a copy can be made for this court.

The aforementioned PCR/belated appeal was also affected by the fraud of the state actors in denying the existence of the transcript of the interview falsely quoted by Detective Jellico for probable cause. That transcript was inadvertently supplied to Appellant in a case file request sent to the attorney who had been appointed as counsel in the sexual-predator commitment hearing held prior to release from prison. She had previously denied Appellant access to the file, which had been furnished to her by the state. That commitment petition was denied.

That transcript, proof of blatant fraud that it is, was submitted as after-discovered evidence in both cases. Considering the fact that trial had been avoided by the state as a result of their last minute ploy, a reprehensible threat to televise bestiality allegations at trial. The limited discovery proves those allegations were concocted for that purpose.

Appellant believes that he has met the requirements of diligent effort, read as a prerequisite to mandamus. Deferral of this matter(s) to the Supreme

Court is not possible, as it has been demonstrated that Ms. Jones will discard any document attempted to be filed.

From Appellant's limited legal notes: The South Carolina Supreme Court "has recognized that mandamus may lie to compel a judicial officer to perform a ministerial duty' *State v Barbee*, 280 S.C 328, 313 SE2d 297 (1984). No one, then, is by law immune from mandamus commanding a ministerial duty.

Ms. Ruth Jones' "actions [did] violate clearly established statutory and constitutional rights of which a reasonable person would have known." *Hope v Pelzer*, -U.S.-, 122S. Ct., U.S. 1225 Ct. 2508, 2514 (2002). Citing *Harlow v Fitzgerald* 451 U.S. 800, 818, 1025, Ct. .2728 (1982)). "It is well settled that qualified immunity only protects public officials from lawsuits brought against them in their individual capacity." Id. N. 16.

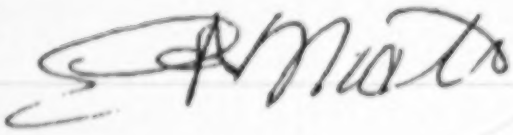
"Judges and other officials are not entitled to judicial [or quasi-judicial] immunity if : (1) They did not have jurisdiction to act; (2) The act did not serve a judicial function; or (3) The suit is for prospective injunctive relief only." *Faile v U.S.C. Dept of Juvenile Justice*, -S.C.-, 566 S.E.2d 536, 541 (2002).

The Actions of Mrs. Ruth Jones; et al., do not fit the description of acts entitled to quasi-judicial immunity as found by the United States Supreme Court in *Imbler v Packtman*, 424 U.S.409, 96S. Ct. 984 (1976); *Stump v Sparkman*, 435 U.S. 349, 98 S. Ct. 1099 (1978); *Briscoe v La Hue*, 460 U.S. 325, 103 S. Ct. 1108 (1983); and *Mireles v Waco*, 502 U.S. 9112 S. Ct. 286 (1991).

Law library access would have permitted a more cogent argument. The motion for appointment of counsel should be granted.

"THIS CASE IS BEING CONSIDERED FOR TREATMENT PURSUANT TO RULE 34 OF THE GENERAL RULES." which appellant has not read. Verified truthful pursuant to 28 U.S.C. § 1746's perjury penalty.

November 7, 2004
Charleston S.C.



Emory Alvin Michau, Jr., Pro Se
552428; Chas. Co. Det. Ctr., Seg 2
3841 Leeds Avenue
Charleston, S.C. 29405

E-15

No. 04-5241

In The

In the United States Court of Appeals

For the District of Columbia

September Term 2004

04CV0655

Filed on

Emory Alvin Michau, Jr.,
Petitioner,

vs.

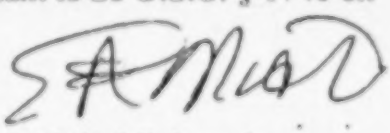
Ruth Jones
Respondent

CERTIFICATE OF SERVICE

Appellant, Emory Alvin Michau, Jr., does hereby certify that appellees were served a copy of the appellate Brief including the attached Appendices by U.S. Mail addressed to:

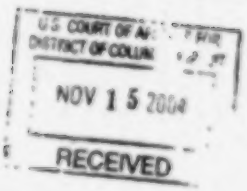
Ms. Ruth Jones
Office of the Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Certified truthful pursuant to 28 U.S.C. § 1746 on November 07, 2004.



Emory Alvin Michau, Jr.
552428; Chas. Co. Det. Ctr., Seg. 2
3841 Leeds Avenue
Charleston, S.C. 29405

November 07, 2004



Emory Alvin Michau, Jr.,
552428; Chas. Co. Det. Ctr., Seg. 2
3841 Leeds Avenue
Charleston, S.C. 29405

United States Court of Appeals
District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866

Dear Sirs:

Please find enclosed the Brief of Appellant in the case entitled Michau v Jones, 04-5241, and file it with the Court.

I still have no access to the Rules of this Court to proceed by.

Thank you for your assistance. I am,

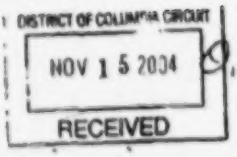
Respectfully,

E.A. Michau

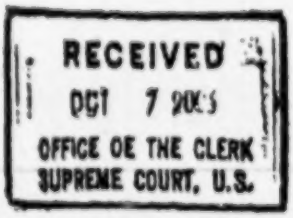
Cc: Ms. Ruth Hones
attachments

9-22-2003 ***<u>On 2 distinct matters</u>***

Emory Alvin Michau, Jr.,
552428; Chas. Co. Det. Ctr., Seg.A-1
3841 Leeds Avenue
Charleston, S.C. 29405



Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543



Your Honors:

[Matter1] I am being held in violation of the 4th Amendment requirement of oath or affirmation. Because South Carolina's 'Sexually Violent Predator Act does not specify affidavit or declaration, the state feels it does not have to swear or affirm any of the information presented in its petition.

[Matter 2] In a letter to the Court, stamped received August 1, 2003, I requested and received a Rule Book (staples Removed) and the forms necessary to file a Writ of Certiorari for direct review of my appeal to the State Supreme Court on the conviction of contributing to the delinquency of a minor and participating in the prostitution of a minor both were written up as attempted crimes, as they were predicated on conversation which had no third party witness. Much hearsay was presented without objection of counsel. The judge allowed my statement, made under duress, after request for a lawyer was <u>ignored</u>. A waiver was signed by me, after promises from the 'good cop' of the good cop, bad cop team. The statement was <u>added to</u> by the 'good cop' to state I had problems controlling my attractions to boys "under

sixteen" (the statute criminalizing sexual consent) even though the boy involved was within less than five months of his eighteenth birthday.

The claim is that I communicated an offer (not physical articles) of marijuana and beer for oral sex. The marijuana and beer was added to the mix to create an act which, if occurred, 'would have been unlawful'. I served the full six year sentence while awaiting appeal, as yet the United States District Court refuses to even respond to the Habeas Corpus in the matter even though the $5.00 filing fee was paid. I motioned for waiver of exhaustion of state remedies as being ineffective, therein.

I was denied Appeals Bond, although I forced the issue, by myself filing a Motion after trial. State Appellate Counsel ignored the best issues on Appeal, filing only one issue on each case:

Vague law on the contributing and propensity evidence on the 15 yr old statement, didn't even use Edward's – Jackson – Denno – Miranda issue, though
Preserved, or the one hearsay objection preserved before the bench conference caused immature counsel to sit on his hands, and make no further objections, during the 'trial'.

[Matter1] I remain in custody, now, having maxed out my sentence. I have been working on my Writ of Certiorari, but now have had my legal work seized again and all my pencils and pens taken again. This is a 1/2" stub of a pencil I peeled some wood off of.

[Matter2] I wish to apply for an extension (enlargement) of the time to apply for a Writ of Certiorari on direct appeal as of right in this case(s). I believe the

state is trying to get the case finalized so that argument against my continuing custody will go away. ***[Matters 1&2]*** I believe this is the reason for my continu[ally] being harassed and prevented from using my notes to present a viable case to the Court. ***[Matter 1]*** My civil detention, without the required oath or affirmation pursuant to the Fourth Amendment, has been continuous since I 'maxed-out' my sentence on April 13, 2003. My legal work has been repeatedly gone through, out of my presence and some of it missing when I get it back. The last time my pencils and pens were taken, I had to wait ten (10) days for my purchase of new ones to arrive. The have all of my stamped envelopes now, so I ordered new ones. This will have to wait to go out when they arrive. The only number(s) the case(s) has had are the General Sessions Numbers 2000 GS 1004 4226; 04227, Supreme Court Opinion, Charleston County, South Carolina. ~~I cannot at present serve opposing counsel this motion; I am unable to get copies or postage paid envelopes.~~

Please advise as to correct course to follow. I am in lock-up on the administrative whim of the detention center. Thank You. I am

Respectfully, Resigned 10-15-2003

E.A Mighau

ps: Service has been accomplished (extension motion) 9-22-2003

In support of Motion and Petition, this is certified a truthful letter per 28 U.S.C. 1746. No law library access in this facility either.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-00010
October 8, 2003

WILLIAM K. SUTER
CLERK OF THE COURT

AREA CODE 202
479-3011

Emory Alvin Michau Jr.
552428
Chas. Co. Det. Ctr. A-1
3841 Leeds Avenue
Charleston, SC 29405

Received
Oct 15, 2003
S.P. Michau, Jr.

RE: Emory A. Michau, Jr. v. South Carolina

Dear Mr. Michau:

The above-entitled petition for writ of certiorari was postmarked October 2, 2003 and received October 7, 2003. The papers are returned for the following reason(s):

The petition fails to comply with the content requirements of Rule 14. A guide for in forma pauperis petitioners and a copy of the Rules of this Court are enclosed. The guide includes a form petition that may be used.

Please correct and resubmit as soon as possible. Unless the petition is received by this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

By:

Ruth Jones
(202) 479-3022

Sincerely,
William K. Suter, Clerk

Enclosures

October 15, 2003 Letter B

Emory Alvin Michau, Jr.,
552428; Chas. Co. Det. Ctr., B-1
3841 Leeds Avenue
Charleston, S.C. 29405

RECEIVED
OCT 2 8 2003
OFFICE OF THE CLERK
SUPREME COURT, U.S.

The Honorable William K. Suter
Clerk of Court
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Re: *Michau v Cannon*, Sheriff , Charleston Co., S.C.

Dear Mr. Suter:

The enclosed Petition for Writ of Habeas Corpus was filed with the Court on September 23, 2003 and was received by Ms. Ruth Jones on October 7, 2003. As can be seen from the copy of Petitioner's letter, accompanying that filing, it was clear that two matters were enclosed in one envelope out of necessity. This was noted numerous places in the correspondence. Petitioner's 77-year-old mother forwarded this mail with duplicate copies of the Pauper Declaration and Motion, because respondent, named above, refuses to supply legal copies, indeed, even refuses to even receive oversize (more than one ounce) legal mail for posting.

Ms. Jones letter, also enclosed was in absolute error as to the nature of the Motion for Enlargement (extension of time) which accompanied the enclosed Habeas Petition. That motion has been returned under separate cover by regular mail. Petitioner plans to mail this letter, via his mother, under Postal Registration

personally to you. The Motion and letter with accompanying documents and letters have been mailed to you by regular mail postage embossed envelopes taped together, marked Private to: you.

Ms. Jones letter fails to even mention the Habeas Petition much less properly handle it.

I am now, also enclosing a copy of the Petition for Probable Cause under which the court has me seized. As can be seen, no oath or affirmation has been executed. I suppose the S.C. statute is supposed to override the fourth Amendment.

Please place these documents before the Court. Sic: Is there nothing that can be done to correct the multiple errors of Ms. Jones. Beginning in September, 2000, she has erroneously and later maliciously failed to file Petitioner's Petitions to the Court as required by rule and law. I reconstructed a mailing to the Court which Ms. Jones claims was not received in May, 2002 and re-mailed it on March 31, 2003. It was received as recorded by the Postal Service on April 8, 2003 (Control No. 7099-3400-7311-3722, enclosed extra copies were not returned, and no acknowledgment of receipt has ever been received.

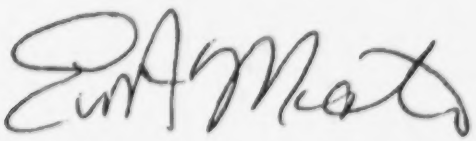
Ms. Jones has controlled all of petitioner's mail to the Court for three (3) years, even to being one to respond (where there was response) to complaint letters sent 'personal' to Mr. Vasil.

E-24

Oct 15, 2003 B

Please help me regain my constitutional right of Petition for Redress of Grievances. Thank you. I am,

Respectfully,

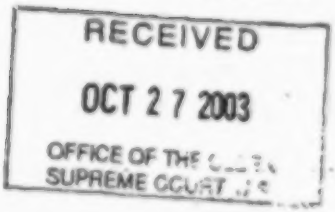


E.A. Michau

October 15, 2003 A

Letter A

Emory Alvin Michau, Jr.
552428; Chas. Co. Det. Ctr., B-1
3841 Leeds Avenue
Charleston S.C. 29405



The Honorable William K. Suter
Clerk of Court
The Supreme Court of the United States
Washington, DC 20543-0001

Re: *Michau v South Carolina*, S.C.S Ct. Opinion 25679 Heard May 28, 2003; Filed July 21, 2003; Petition for Rehearing Denied August 06, 2003

Dear Mr. Suter:

On September 22, 2003, I filed a Motion for Enlargement of Time to submit Application for Writ of Certiorari; on direct review of the above cited opinion of the South Carolina Supreme Court.

Ms. Ruth Jones, as she has a long habit of doing with petitioner's filings, mishandled the motion. She returned the motion without action, with the enclosed letter. She failed to explain what she found to be incorrect with this motion, file pro se. Being civilly detained, petitioner does not have access to a law library. Rule 22 has been cited in the caption if that was Ms. Jones complaint. Also each and every blank has now an 'N/A' or 'O' in the Pauperis Declaration.

Correction of Ms. Jones error is necessary, as can be seen from her letter. She has applied the Rule 14.5 bar to "changes in the substance of the 'petition'. I request that I be transferred to another clerk's office employee.

Now that I have access to my supply of stamped envelopes, I will submit the Habeas Corpus, which included its own In Forma Pauperis Motion and Declaration under separate cover. Ms. Jones does not even acknowledge that. I am enclosing the original letter which explains filing.

I am also enclosing the opinion and notification letter of the Petition for Rehearing, as I did before. The original certificate of service on the motion is also enclosed.

Ms. Jones has never, ever properly handled any filing of any document of petitioner, and she has controlled each and every piece mailed by him to the Court since September, 2000. She has failed to file at least three (3) extraordinary writs, the most recent received by the Court certified mail on April 8, 2003 Postal Service Control Number 7099-3400-7311-3722.

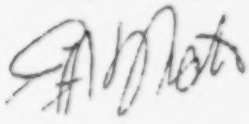
It's interesting that she claims she enclosed a Rule Book, but this was also in error. Access has been obtained to the Rule Book received in August.

I believe you do not know what is occurring, where one individual clerk employee is able to receive even the mail which complains of her incompetence written specifically to a supervisor such as Mr. Vasil.

Please assist me in restoring my constitutional right to Petition the Court for redress of Grievances.

Thank you, sir, I am,
abHall

Respectfully,



E.A. Michau

Pursuant to 28 U.S.C. § 1746 Signed under penalty of perjury.

Oct 15, 2003 A

November 04, 2003

Emory Alvin Michau, Jr.,
552428; Chas. Co. Det. Ctr., C-1
3841 Leeds Avenue
Charleston, S.C. 29405

The Honorable Justice Rehnquist
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

In Re: Michau v. South Carolina, No application number given

Dear Justice Rehnquist:

Enclosed please find my incomplete petition for Writ of Certiorari on direct appeal from the South Carolina Supreme Court. I appeal to you, pro se , having no access to any law library, on September 22, 2003 for an extension of time to petition for a Writ of Certiorari. I had but one pencil ½" long and dull, so please excuse my penmanship. That motion was misread by clerk-employee Ruth Jones who interpreted it as a Rule 14.5 Petition no[t] complying with the Rules. The sixty (60) days she allotted were not usable, as she added no change could be made in the substance of the Petition (one-page motion). My efforts to clue that blessed woman in on her mistake, a letter sent on October 15, 2003, which she stamped received on October 27, (2003) (see all enclosed) also did not penetrate to cause of these mistakes, because she didn't even have the time to write a new cover letter to send it back to me. Bless her, she did stamp it received.

Today, I am enclosing my incomplete petition an appendices, as today is the original *Houston v Lack* mailing date. I am unable to get copies in this detention center, but my sweet and blessed widowed 77-year old mother, God bless her, is spending the $50.00 to ensure the respondent gets served and also that I should retain a copy lest Ms. Jones overworked schedule allows her to misplace or accidentally discard the product of my feverish effort.

As you can see from the enclosed Rule 30 Motion, I am better able to conform my filings to the Rules and to protocol when I have not been deprived of my writing instruments and Rule Books and etc. No law library is an extreme hardship, but I do have 700 pages of my latest research with me (when I'm allowed to possess it.)

I have completed what I can of the enclosed Petition and will complete it further if you grant the Extraordinary Circumstance Motion enclosed. Possibly mine are now extraordinary circumstances, as the circumstances may be shared by a large number of citizens, I don't know. Anyway pleas consider my petition in its incomplete form if you must. But I do implore you to consider granting and extension as two applications were timely (prior to the ten day deadline.)

This is a hasty letter, as I am (as always) rushed to accomplish what I must by deadlines.

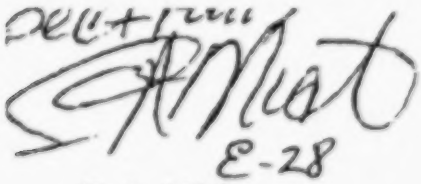
My mother is sending this by Registered Mail to you at your street address, so that it may actually get to you as Court Rules require, and it will be signed, received, by someone who, indeed, answers to the highest powers of the Court.

11-4-2004

The Pauperis Motion and affidavit was submitted both times, but was not stamped received, and in her overwork Ms. Jones forgot to assign an Application for (Extension of Time to Petition) number to it both times.

Any way, God Bless the United States and its Courts and thank you for your assistance, I am,

Respectfully,



E. A. Michau

11-4-2004

December 17, 2003

Emory Alvin Michau Jr.
552428, Chas. Co. Det. Ctr. Seg 1
3841 Leeds Avenue
Charleston, SC 29405

The Honorable Chief Justice Wm. Rehnquist
Supreme Court of the United States
1 First Street, N. E.
Washington, DC 20543

IN RE: Michau v. South Carolina: a direct appeal.

Your Honor:

I address the enclosed Petition for Writ of Certiorari to you, because you are circuit justice for the Fourth Circuit. I have been having many difficulties communicating with the Court.

I have received no response from the letter to you .nailed on Nov. 04, 1003 covering a Motion for Extension of Time to Petition, and my incomplete Petition with Appendices that was sent to you, personally by Registered, Priority Mail. I had previously complied with Rule 30.3 and Rule 13.5 on Sept. 22 and again on Oct. 15.

Today I am sending my completed Petition. It has every page included with it t o preclude errors in replacing pages.

Also enclosed are additions to Appendix F; these are F-169 through F-178. Mostly these are copies of South Carolina Code referred to in arguments. One S. C. Supreme Court case which was surprisingly presented by the prosecution at trial described as allowing attempts to

12-17-2003

be tried. That is an absolute false characterization; see case provided for the Court.

Please have the completed Petition joined to the Appendices previously submitted. Thank you, sir. God Bless America. I am,

Respectfully,

E. M. Mitchell

May 22, 2004

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. Seg. 1
3841 Leeds Avenue
Charleston, SC 29405

RECEIVED
JUN 15 2004
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Personal to the Honorable William K. Suter
Clerk of Court
Supreme Court of the United States
1 First Street, N. E.
Washington, DC 20543-0001

In RE: Court filings which have not been recorded and files and given a docket number pursuant to Court Rules.

Dear Mr. Suter:

I am sending this letter under my sister's name and address to attempt to keep it out of Ms. Ruth Jones hands and file thirteen.

On Oct. 15, 2003, I wrote a letter, personal to you, which was sent either certified or registered mail by my dear mother. I received it back with the court's received stamp dated Oct 28, 2003; no docket number or application number was annotated. This mail to you was written to apprise you of mail submitted on Sept. 23, 2003 containing a Petition for writ of habeas corpus which had been returned without comment by Ms. Ruth Jones on Oct. 07, 2003. Also enclosed in that submission had been the standard 6 page *In forma pauperis* Motion and Affidavit. All were returned on Oct. 31, 2003 with no new cover letter. No return was made of the green card.

On Oct. 15, 2003, I also wrote a letter addressed to you and sent by regular mail in which I informed you that

May 22, 2004

Ms. Ruth Jones was personally preventing every filing and attempted communication with you office from being filed or processed in any way. That letter specifically addressed the properly constructed, one page Motion for Enlargement of Time to file a petition for Certiorari on direct appeal from South Carolina Criminal appeal opinion identified as number 25679, decided July 21, 2003, Petition for Rehearing denied on Aug. 06, 2003, which Ms. Ruth Jones falsely called a Petition submitted out of compliance per Rule 14.5. She did not assign a docket or application number, and the Oct. 8 letter was the window address; i.e., no new letters by her. This Oct. 15 letter of mine was stamped received by your office dated Oct. 27, 2003. Both of these mailings by me contained a complete copy of all the past communication and documents sent on Sept. 23, 2003.

This latter letter also contained references to Ms Ruth Jones' previous prevention of the filing for a petition for writ of certiorari on a 42 U. S. C. § 1993 appeal, and at least three extraordinary writ filing attempts and a Post-Conviction Relief – Direct Appeal of Right Petition. The most recent filing in these matters was received by the office of the clerk on April 8, 2003 under Postal Service control number 7099-3400-7311-3722 as a certified priority mailing. The green-card-receipt never returned to me.

To prevent default on the August 06 direct appeal, I submitted an incomplete (No reasons to grant certiorari listed or argued) Petition for Writ of Certiorari on Nov. 04, 2003, within the statutory ninety day period. It was mailed by Registered Priority mail, addressed per Rule 30.3 to the Chief Justice at your address. It contained extensive exhibits, a full petition and Pauperis motion and affidavit, and included a copy of all previous correspondence. A redrafted, one-page Motion for Enlargement of Time to Petition was also enclosed citing

the extraordinary circumstances. No acknowledgement or green card returned.

Upon completion of the Reasons to Grant Certiorari section, a complete new copy of the petition, Pauperis Motion and Affidavit with some additional exhibits attached was filed with the Court on Dec. 23, 2003, by Registered Priority mail, addressed per Rule 30.3. Under control number 7003 1010 0002 9896 1809, this mail was received by the clerk's office at 7:26 AM on Jan. 05, 2004, the green-postal-receipt card was not returned and no acknowledgement of receipt has ever been either. All filings were served on Respondents as required.

It has been impossible to get correspondence past Ms. Ruth Jones to effect a correction of her deliberate unconstitutional (First Amendment) acts. A petition for Writ of Mandamus addressed to the Federal District Court, District of Columbia directed at Ms. Ruth Jones, and mailed certified to this court (only address I had at the time) was stamped received by the clerk's office on the green-card on February 18 2004. That green card was returned and bears postal code no. 7003 2260 0006 5740 9812. No response from that court was ever received from this filing. After obtaining an address another petition was filed in that court in April.

I need a docket number on the direct appeal as of right in order not to have to file a post-conviction as the one year limitation period will expire on August 06. The idea that a habeas corpus petition could have received NO action in eight months illustrates the complicity which state officials have been able to influence Ms. Ruth Jones' conspiratorial acts. She has already been successful for three and one-half years in the 42 U.S.C §1983 appeal.

Hopefully this is still a constitutional judicial system, and the problems I have cited are anomalous and not standard operating procedures, now.

I served honorably in the Civil Air Patrol throughout high school, and on February 11, 1964 enlisted in the United States Air Force serving honorably until active duty discharge, after having been awarded (earning) E-5 Staff Sergeant rank, four years later. To earn e-5 in four years in the Air Force at the time was unheard of. I earned it despite being denied the stripe upon entry my Civil Air Patrol service made, supposedly, automatic. I have since served in and been honorable discharged from both the United States Army Reserves and the United States Navy Reserves. I graduated with a Bachelor of Science in Education from Southwest Missouri State University in Springfield Mo. In 1972, my student loans are paid in full. I am indigent because of a Small Business Administration Loan obtained after Hurricane Hugo in 1989. I am innocent (factually) of all charges.

Do I qualify for due process and equal protection of the laws? Does my service qualify me for the judicial consideration given to illegal aliens, and indeed enemy-agent war combatants? I am not serving this letter on any respondent, and am mailing it to my mother to register and re-mail, to prevent respondents from alerting Ms. Ruth Jones of its posting. Respondent-Custodians routinely rifle through my legal work and seize and retain portions without any record being made. I have no law library access, and have been held without constitutional probable cause or criminal charges since April 13, 2003. Please help me to receive constitutional action, I am:

May 22, 2004

Respectfully, E-33

Anne Michaud (mother) Phone # 843-553-8982
Gayle Balsa (sister) Phone # 843-972-7116

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

October 8, 2003 RECEIVED

Emory Alvin Michau Jr.
Chas.Co. Det. Ctr. Seg 1
3841 Leeds Avenue
Charleston, SC 29405

Received Back
June 22, 2004

RE: Emory A. Michau, Jr. v. South Carolina

Dear Mr. Michau:

Your letter dated May 22, 2004 was received in this office on June 15, 2004.

You may seek review of a decision only by filing a timely petition for writ of certiorari. The papers you submitted are not construed to be a petition for writ of certiorari. Should you choose to file a petition for writ of certiorari, you must submit the petition within the 90 day time limit allowed under Rule 13 of the Rules of this court. A copy of the Rules of this court and a sample petition for a writ of certiorari are enclosed.

Your case must first be reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

Sincerely,
William K. Suter, Clerk
By:

Ruth Jones
(202) 479-3022

E-38

No. _____

_____

IN THE
SUPREME COURT OF THE UNITED STATES

EMORY ALVIN MICHAU, JR. - PETITIONER

vs.

Henry McMaster, Attorney General, – RESPONDENT
State of South Carolina

MOTION FOR ENLARGEMENT OF TIME TO SUBMIT APPLICATION FOR WRIT OF CERTIORARI FOR DIRECT REVIEW OF STATE SUPREME COURT

Appellant/Petitioner, Emory Alvin Michau, Jr. does make application and motion this Court for enlargement/ extension of time to apply for writ of Certiorari on Direct-Appeal-as-of-right. He has again been deprived of his legal work, and pencils and pens, and must assume this will further delay his application. He has NO law library access in any manner, or any provision for any future access, but has been preparing to file from his legal work notes. This single pencil was loaned by an inmate. Copies of this material are being refused. All stamped envelopes are in the legal work. (Please return) The order and petition for rehearing denial are appended. Service is being attempted pursuant to Rule 29 (5) (c). Attest to be truth pursuant to 28 U. S. C. § 1746.

September 22, 2003
Charleston, SC 29405

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. A1
3841 Leeds Avenue
Charleston, SC 29405

Re-executed Oct. 15, 2003

Enclosures

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

EMORY ALVIN MICHAU, JR. – PETITIONER

vs.

J. Al Cannon, Sheriff, Charleston – RESPONDENT
County, Henry McMaster, Attorney General
State of South Carolina

PETITION FOR WRIT OF HABEAS CORPUS – U. S. CONSTITUTION FOURTH AMENDMENT

Petitioner filed for a writ of habeas corpus with the United States District of South Carolina. The certified-mail-receipt date was July 29, 2003. It complained that custody was being maintained in violation of the Fourth Amendment requirement that probable cause be found pursuant to oath or affirmation. The petition which was granted by the state court contained none but provable false information, and no oath or affirmation was submitted at any time. Petitioner would aver that his application per 28 U. S. C. § 2241 to the federal district shall satisfy Rule 20 and 28 § 2242. See letter to court.

I declare that I am entitled to habeas corpus; that I am indigent; and that all statements here in are truth pursuant to 28 U. S. C. § 1746. I pray a writ of habeas corpus issue.

Emory Michau

September 22, 2003
Charleston, SC 29405

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. A1
3841 Leeds Avenue
Charleston, SC 29405

Re executed Oct. 15, 2003

Emory Michau

CERTIFICATE OF SERVICE
RULE 29 (1) (5) (c)

Nov 22, 2003

I Emory Alvin Michau, Jr., petitioner appellant in the enclosed matter do hereby declare pursuant to 28 U. S. C. § 1746 that he has, by all the means within his control attempted to serve opposing counsel the enclosed motion for enlargement of extension of time to make application for Writ of Certiorari on direct-appeal-as-of-right, of an appeal to the Supreme Court of South Carolina.

He has had a copy of the same placed in First Class Mail Addressed to:

W. Rutledge Martin
The South Carolina Attorney General
P. O. Box 11549
Columbia, SC 29211-1549
(843) 734-3970

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. A1
3841 Leeds Avenue
Charleston, SC 29405

Officer will (may) indicate this was (was not) accomplished on date Sept. 23, 2003 Officer SPONIC

Mom

p. 2

February 11, 2004 Hard copy from draft

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. A1
3841 Leeds Avenue
Charleston, SC 29405

No Response

Postmaster,
United States Postal Service
Goose Creek, SC 29445

RE: Delivery confirmation of registered priority mail where control number has been misplaced

Dear Sirs:

My mother misplaced the control number for my mailing of Registered Priority Mail to the Honorable Justice Rehnquist (sic), The Supreme Court of the U. S., 1 First Street, N. E., and (Rule30.3) Washington, DC 20543. This mail was posted on Nov. 04, 2004 (2003?), along with a priority package (identified) to W. Rutledge Martin, Atty. Gen. P. O. Box 11549, Columbia, SC 29211-1549. She also mailed me the identical package by media mail at the stamp cost of $2.26 postage sticker number 000806997-03. I never got the green return receipt from the court, and my mother has as yet been unable to locate the verification of delivery number receipt.

Could you research this registered mail and give me the specifics of its delivery

Thank you in advance, I am respectfully

Emory A Michau

E-42

May 18, 2004

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. Seg. 2
3841 Leeds Avenue
Charleston, SC 29405

Hard copy from draft

No Response

Postmaster,
United States Postal Service
Washington, DC 20543

RE: Delivery confirmation of registered priority mail where control number has been misplaced.

Dear Sir:

My mother mailed my legal filings from zip code 29445 on Nov. 04, 2003. At the same time she mailed a priority mail to W. Rutledge Martin, Atty. Gen. P. O. Box 11549, Columbia, SC 29211-1549. She mailed an identical package to me by media mail at a cost of $2.26 with a postage sticker number 000806997-03.

In addition, an identical package was mailed by Registered Priority Mail addressed to the Honorable Justice Rehnquist (sic), The Supreme Court of the U. S., 1 First Street, N. E., (Rule30.3) Washington, DC 20543. The green delivery receipt card was not returned, and I have been unable to get the Postmaster of 29445 to respond to queries.

Can you furnish me with delivery verification information and the control number for my court correspondence? An employee of the court clerk's office

has been mishandling my filing preventing any record of them being made on the docket of the court. Thank you for your assistance. I am Respectfully:

JAMES E. CLYBURN
...
CHAIRMAN STEERING COMMITTEE
...
CONGRESSIONAL BLACK CAUCUS
CHAIR
...
CAMPAIGN FINANCE REFORM
TASK FORCE
...

...
...
...
...

Congress of the United States
House of Representatives
Washington, DC 20515–4006

August 4, 2001

Mr. Emory Michau
3841 Leeds Ave.
Chas. Co. Det. Ctr. E-3
Charleston, SC 29405-7482

Dear Mr. Michau:

Thank you for contacting my office and for sharing your concerns. I am always eager to assist my constituents in any way possible. This matter however, does not fall within the purview of a congressional office. I am prohibited by law from becoming invoived in legal matters to which I am not a party. An attorney would better serve your interests.

Again, thank you for contacting me and I hope that this information is helpful.
With kindest regards, I am

Sincerely,

JEC: CM

James E. Clyburn
Member of Congress

May 12, 2004 Graham

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. Seg. 1
3841 Leeds Avenue
Charleston, SC 29405

The Honorable Lindsay Graham
United States Senator
Congress of the United States
Washington, DC 20515

RE: Low level Supreme Court employee commandeering mail to Court preventing filing of petition or complaint to her superiors.

Dear Sir;

I write to request your assistance, as all my other efforts have been thwarted. I hesitated to write you earlier, as I am a Democrat and felt that as a Republican you would not assist me. Lately, however, I heard you on talk radio with that Fool, Rocky 'D', and identified with much that you said. Also I was impressed with your independent thinking on the 'torture pictures' debacle.

First let me say, I am not a child molester, and could prove it if I had ever had a hearing with assistance of dedicated counsel. That said, my mother's address is Anne Michau, 110 Rahway Road, Goose Creek, SC 29445, (843) 553-8952, if you wish to stay off of the local radar. As you have seen in the pictures case, everything done in the name of this country and its political subdivisions is not holy, although everything claims to be. Most people would not believe the current proof of that without the pictures. Indeed, many people on talk radio claim not to even believe the pictures, to upset their

preconceived notions of truth, justice and the American way.

Sir, my most immediate problem concerns a United States Supreme Court employee, Ms. Ruth Jones blocking the filing of my petition for Writ of Certiorari on direct appeal to the United States Supreme Court of a second conviction which can be shown to be totally ludicrous. When my legal work was seized by the detention center in Sept. 2003, I sent a properly drafted single sheet motion for extension of time to petition for certiorari to the Court, along with the Court supplied application for in forma pauperis. Ms. Jones falsely identified this motion as an incomplete petition under Court rules that allow her certain discretion. An immediate attempt to correct her 'error' drew no additional letter in response, although both letters, the Sept. and Oct. letters contain the Court's received stamp.

In order to prevent being in default, I submitted my incomplete petition before the expiration of the 90 day deadline on Nov. 4, 2003 (the State Court judgment was entered on August 6, 2003.) It was mailed by Registered Priority Mail, addressed to Chief Justice Rehnquist, no acknowledgement has ever been received, and the green postal card receipt was never returned. A new motion for extension was also enclosed, citing the two previous timely motions (prior to 10 days before expiration of time) and citing extraordinary circumstances (seizure of legal work.)

I completed the missing portion of the petition (arguments supporting certiorari grant) and submitted an entire petition with the completed section in late Dec. 2003, within a sixty day extension time frame. That mailing was again mailed by Registered Priority Mail, addressed to Chief Justice Rehnquist and marked restricted deliver. It was received by the post office internet site which records deliveries, at 7:26 AM on

January 5, 2004. I am attempting to obtain delivery info on the Nov. 04, (2003) mailing.

Again, the green postcard delivery receipt was not returned and no acknowledgement of receipt was ever received either. Ms. Jones never assigned an Application or Docket number, and it is impossible to get a letter past her to any court supervisor to correct her unconstitutional (First Amendment) conduct.

My time is running out on the one year time limit to file for Post-Conviction Relief, which as you know is less entitled and discretionary, only. My time is also running out to file a Federal habeas corpus, as it's the same one year time limit where no Supreme Court appeal was tendered.

Can you correct these acts by Ms. Jones, by asking a clerk's office supervisor to verify that the Petition is files and return a docket number before the court recess on June 30. I serve the State Attorney General's Office at the same time on all filing.

I am an honorably discharged U.S.A.F veteran of Vietnam, and have honorable discharges from both the Navy and Army Reserves. My student loans are paid in full, and I graduated in 1972 with a BS ED. From S.M.S.U. in Missouri. I am a Christian; I was thrown into debt by Hugo. USAF ID#14843790, SS# 248708269, DOB 11-20-46, Address 2208 Cambridge Ave, N Chas. 29405. I authorize you to inquire on my behalf per Privacy Act of 1974. Under penalty of perjury per 28 U. S. C. § 1746 May 12, 2004.

E-43

Graham

May 10, 2004 Spratt

Emory Alvin Michau, Jr.
552428; Chas. Co Det. Ctr. Seg. 1
3841 Leeds Avenue
Charleston, SC 29405

No Response

The Honorable John Spratt
Democratic Representative of South Carolina
Congress of the United States
Washington, DC 20515-4006

RE: Supreme Court employee commandeering mail and preventing complaint to her superiors about her unlawful acts.

Dear Sir

I write to request your assistance, as all my other efforts have been thwarted. I was unable to get past my district representative, The Honorable James E. Clyburn's handler and later mail went unanswered. I am a lifelong Democrat as is my 78 y.o. mother. I do realize the precarious state all our liberties have of late been placed in. While not wishing to compromise your effectiveness (I have been made pariah), I appeal to/with you to operate behind the scenes and off of the record to restore my constitutional right to petition the government for redress of grievances contained in the First Amendment.

Sir, my reputation has been destroyed to prevent my obtaining justice in my legal travails which began on 'Waco Day' April, 19, 1993. I have proof of the conspiracy to silence me because of the money received by a local sheriff's Lieutenant from insurance in an accident which was never adjudicated, but which powers were able to make guilty (on my part) appear on the record long enough for the insurance company (we both had Unison Insurance) to pay off, well into the six figures. When my Attorney, Richard S. W. Stoney appealed, I was

immediately arrested and charged with child sexual abuse. I was absolutely innocent.

Long story short, when I got out of prison in 1999 on the 1993 charge, the same officer from 1993 framed up new charges which put me back into prison. The appeal of those ludicrous charges was held up until I had maxed out the six year sentence in 2003. I was continued in custody under the state's sexual predator act since then (over one year) without a constitutional showing of probable cause. This was despite the fact that the direct appeal had not even been heard (I was denied appeal bond.)

Many efforts were made (seizure of legal materials, and writing materials, multiple times) to prevent my filing of an appeal of right to the United States Supreme Court. I filed a timely motion for extension, which the only U. S. Supreme Court clerk to handle any of my correspondence with that Court now for four years; 'misidentified' as an incomplete petition for Writ of Certiorari. It was correctly drafted as a one page motion for extension. She refused to respond when I wrote back to correct her "error' (she's prevented the filing of much before.) Although I have the received stamp on my letter she did not enclose a letter in response, she assigned no docket or application number, although all correspondence was timely.

Having experienced her malfeasance many times, I remitted a full petition with many exhibits in a timely fashion, with a new motion for extension to complete the arguments portion. This mailing on Nov 4, 2003 by Registered Priority Mail addressed to Chief Justice Rehnquist has never received any response and the later petition with arguments sent by the same type mail and received by the court on January 5, 2004 at 7:26 AM, likewise, has received no response. I cannot get letters past the rogue employee of the Court, Ms. Ruth Jones, to

correct her unlawful acts. Acts which probably have been done in response to an e-mail request from some friend or acquaintance of hers located here.

I have copies of all filings, and even the one green card (others were not returned in the Nov and January deliveries) which was returned when I attempted to file a District of Columbia District Court Mandamus action which got delivered to the U.S.S.C address.

I fear Mr. Clyburn's handlers fear he may be sullied by any involvement. My family came to South Carolina in 1685 and I have many relative in Georgetown, Williamsburg, Florence and close by counties. My cousin works at International Paper Company in Augusta at a high level.

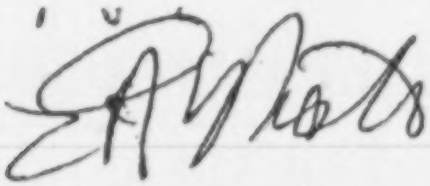
Please consider assisting me in this dilemma. I have very little time before my one year window for Post-Conviction Relief will expire (Aug 6, 2004.) I was very active in the Party in Missouri during the McGovern campaign, and was President of the New Democratic Coalition at my college (University), Southwest Missouri State University, Class of 1972. My mother lives at 110 Rahway Road, Goose Creek, S. C. 29445, her name is Anne M. Michau; just in case you want to reply under the radar. She has a phone at area code (843) 553-8952.

I am a U. S. A. F. volunteer from the Vietnam era, with an honorable discharge. I also have honorable discharges from the U. S. Army Reserve and the U. S. Navy Reserve. My student loans have been paid in full, but I am indebted to the US Small Business Administration for over $100,000.00 because of hurricane Hugo. This prevented my obtaining legal representation. My business has since failed (McTV).

In the name of Jesus Christ, I pray that you will assist me in getting this appeal properly filed.

Spratt

I authorize you to inquire into this matter on my behalf as required by the Privacy Act of 1974. My date of birth is November 20, 1946. My social security number is 248-70-8269. I live at 2208 Cambridge Avenue, Charleston, SC 29405. Executed pursuant to 28 U. S. C. § 1746 under penalty of perjury.



God bless you; may we overcome the massive right wing control of the talk media to restore constitutional and democratic government to our great country.

E-52

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

EMORY ALVIN MICHAU, JR. - PETITIONER

vs

STATE OF SOUTH CAROLINA – RESPONDENT

MOTION FOR EXTENSION OF TIME TO PETITION FOR WRIT OF CERTIORARI

Petitioner, Emory Alvin Michau, Jr., does hereby renew his Motions for Extension of Time to Petition for Writ of Certiorari Filed by Houston V. Lack standard on 9-22-2003 and again on Oct-15-2003, both dates prior to the 10 day requirement of Rule 30.2. He renews the Motion submitted pursuant to Rule 30.3 and again serves it pursuant to Rule 22 but with the addition of the extraordinary circumstance that he could not reasonably foresee Ms. Ruth Jones failure to comply with the Rules, and that the circumstances are stated in the previous Motions, the deprivation of legal work and writing instruments were also determinative of the needed extension to complete the enclosed partial petition. Justice Rehnquist covers the Fourth Circuit? It is so moved.

Nov 03, 2004

Emory Alvin Michau, Jr
552428; Chas. Co Det. Ctr. B-1
3841 Leeds Avenue
Charleston, SC 29405

E-53

No. _____

RECEIVED
OCT 27 2003
OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Emory Alvin Michau, Jr. --PETITIONER
(Your Name)

VS.

State of South Carolina, etal -- RESPONDENT(S)

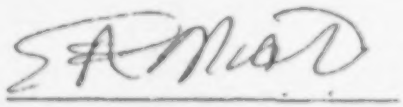
MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

[X] Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA .

[ ] Petitioner has not previously been granted leave to proceed in forma pauperis in any other court.
Petitioner's affidavit or declaration in support of this motion is attached hereto.



(Signature)

October 15, 2003

Mar 31, 2003 7099 3400 0008 7311 3722

Emory Alvin Michau, Jr
272750; MacDougal CI, B1 A12A
1516 Old Gilliard Road
Ridgeville, SC 29472

Mr. Christopher Vasil
Chief Deputy Clerk
United States Supreme Court
Washington, DC 20543-001

IN RE (1) Michau v Orr, 4th Cir # 99-7518
(2) Michau v So. Car. #011-9218 USSCT

Dear Mr. Vasil;

Through great effort, I have reassembled the material I have in the two cases which have had filing lost or misplaced, after they were filed May 8-14, 2002.

Please assign someone other than Ms Ruth Jones to handle this matter. Also please correspond as to the status of these actions. Thank you, I am

Respectfully,

E-55

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

IN RE MICHAU;
IN RE MICHAU, - PETITIONER

vs

_____ -- RESPONDENT

On Petition for a Writ of Certiorari to Fourth Circuit Courts of Appeals/Court of Common Pleas, Chas., SC

PETITION FOR WRIT OF CERTIORARI

EMORY ALVIN MICHAU, JR.
272750 1516 Old Gilliard Road;
MCI, B1 A-12A
Ridgeville, S. C. 29472
(843) 871-1701

United States Courts of Appeals

For the District of Columbia

No. 04-5241 September Term, 2004

0404 0655

Filed on:

Emory Alvin Michau, Jr,
Appellant,

v.

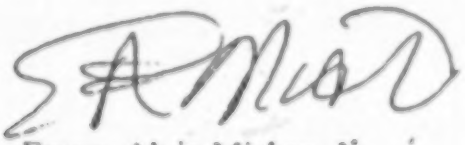
Ruth Jones, Employee, Office of the Clerk
United States Supreme Court; et al.
Appellees

CERTIFICATE OF SERVICE

Appellant, Emory Alvin Michau, Jr., does hereby certify that appellees were served a copy of the Appellate Brief including the attached Appendices by the U. S. Mail addressed to:

Ms Ruth Jones
Office of the Clerk
Supreme Court of the United States
1 First Street, N. E.
Washington, DC 20543

Certified truthful pursuant to 28 U.S.C.§ 1746. on Nov. 07, 2004



Emory Alvin Michau, Jr.
555248, Chas. Co. Det. Ctr. Seg 2
3841 Leeds Avenue
Charleston, S.C. 29405

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001
November 22, 2004

Emory Alvin Michau Jr.
#552428
Chas. Co. Det. Ctr., South
3841 Leeds Avenue
Charleston, SC29405

RE: Emory A. Michau, Jr. v. Jones

Dear Mr. Michau Jr.:

The above-entitled petition for writ of certiorari was postmarked November 7, 2004 and received November 19, 2004. The papers are returned for the following reason(s):

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2 and 39. The motion must be signed.

No notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

The petition fails to comply with the content requirements of Rule 14. A guide for in forma pauperis petitioners and a copy of the Rules of this Court are enclosed. The guide includes a form petition that may be used.

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended in its entirety.

The opinion of the United States district court must be appended in its entirety.

The report and recommendation of the magistrate must be appended if any.

The order denying rehearing must be appended. Rule 14.1(i)(iii).

It is impossible to determine the timeliness of the petition without the lower court opinions.

Please correct and resubmit as soon as possible. Unless the petition is received by this Office in corrected form within 60 days of the date oftrus letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
William K. Suter, Clerk
By:
Ruth Jones
(202) 479-3022

Enclosures

November 07, 2004

November 07, 2004

Emory Alvin Michau, Jr
552428; Chas. Co. Det. Ctr., Seg 2
3841 Leeds Avenue
Charleston, SC 29405

United States Court of Appeals
District of Columbia
333 Constitution Avenue, N. W.
Washington, DC 20001-2866

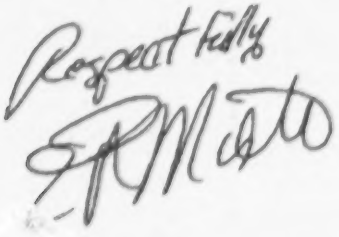
Dear Sirs:

Please find enclosed the Brief of Appellant in the Case entitled Michau v. Jones, 04-5241, and file it with the court.

I still have no access to the Rules of this Court to proceed by.

Thank you for your assistance. I am,

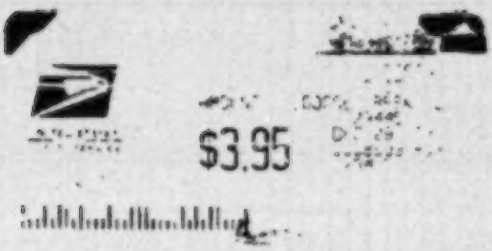
Respectfully



RECEIVED
NOV 19 2004
OFFICE OF THE CLERK
SUPREME COURT, U.S.

CC: Ms Ruth Jones
Attachments

AFFIDAVIT/DECLARATION



1. I do here in declare and affirm that the above postage was purchased at the exact time of mailing of an identical set of documents to the Court; + to Respondents as it was on the returned set to Petitioner. The documents were an amended Petition for Writ of Certiorari on direct appeal from the South Carolina Supreme Court.

Library Rate
(Media Mail)

2. I do here in declare and affirm that the above postage was purchased at the exact time of mailing of an identical set of documents to the Court; and to Respondents as it was on the returned set to Petitioner. The documents were a timely filed but slightly incomplete Petition for Writ of Certiorari on direct appeal from the South Carolina Supreme Court.

Signed under penalty of Perjury per 28 U.S.C. § 1746.
Charleston, SC
July 04, 2004

Emory Alvin Michau, Jr.

File (2)

No. 05-479

IN THE

SUPREME COURT OF THE UNITED STATES

Emory Alvin Michau, Jr. Petitioner,

Vs.

Ruth Jones, Clerk, U.S.S.Ct., Respondent.

ON PETITION FOR WRIT OF CERTIORARI
PETITION FOR REHEARING
RULE 44.2 CERTIFICATE

Petitioner, Emory Alvin Michau, Jr., does hereby certify, pursuant to 28 U.S.C. §1746, that the attached Petition for Rehearing is presented in good faith and not for delay, that it is restricted to grounds specified in paragraph 2 of Rule 44, and further that he has been held without access to a law library or the provision of effective assistance of Counsel, on a civil contempt of court order containing no term of commitment specifics and no provision for review by the issuing Court or appellate courts, all of which can be attributed to failure of this Court to issue an 'up or down vote' on a timely filed petition for writ of certiorari on direct appeal as-of-right.

January 15, 2006

Emory Alvin Michau, Jr. / pro se
553478; Chas. Co. Det. Ctr.
3641 Leeds Avenue
Charleston, SC 29405

No. 045241

IN THE

SUPREME COURT OF THE UNITED STATES

Emory Alvin Michau, Jr., - - - - - -PETITIONER,

VS.

Ruth Jones, Clerk, U.S.S.Ct. - - Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA

PETITION FOR REHEARING

EMORY ALVIN MICHAU, JR.
55242B; CHASN. CO. DET. CTR.
3841 LEEDS AVENUE
CHARLESTON, SC 29405